

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JIMMY HEARD,)
Petitioner,)
v.) No. 3:09-1144
JAMES FORTNER, WARDEN) JUDGE HAYNES
Respondent.)

ORDER

Before the Court is the Report and Recommendation of the Magistrate Judge (Docket Entry No. 39) to which Petitioner has filed timely objections (Docket Entry No. 42). Upon de novo review of the Report and Recommendation and after considering Petitioner's objections, the Court **ADOPTS** the Report and Recommendation.

Accordingly, the Petitioner's motion for partial judgment (Docket Entry No. 23) and motion for summary judgment (Docket Entry No. 26) are **DENIED**. Petitioner's petition for the writ of habeas corpus is **DENIED**, and this action is **DISMISSED** without prejudice to Petitioner's unexhausted claim on the attempted murder count.

It is so **ORDERED**.

ENTERED this the 24 ^{PM} day of January, 2011.


WILLIAM J. HAYNES, JR.
United States District Judge